



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2404924

**Applicant Name :** Mark Knoll

**Address of Proposal:** 2708 East Denny Way

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into four (4) lots (Unit Lot Subdivision). Proposed lot sizes are: A) 1,871.6 square feet, B) 1,954.8 square feet, C) 720 square feet; and D) 1,165.4 square feet. Related project: establish use and construct a three unit townhouse structure and a single family structure, MUP No. 2402266.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into four lots, a unit subdivision. (Chapter 23.24.046, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

**BACKGROUND**

Site and Vicinity Description

The approximately 5,770 square foot property is located on the north side of East Denny Way between 27<sup>th</sup> Avenue East and Martin Luther King Way South. Pedestrian and vehicle access to the site is from East Denny Way. There is no alley access.

The subject lot is split zoned Lowrise 1 (L1) and Single Family 5000 (SF 5000) as are the lots on block face extending between East Denny Way and East John Street to the north. The SF 5000 portion of the parent lot is a north to south oriented rectangular area approximately one-fifth of the parcel size. The lots across East Denny Way and extending southward are similarly split zoned.

### Proposal

The proposal is to subdivide one lot into four (4) unit lots. The parent lot is 5,770 square feet in area. The proposed lot sizes are: A) 1,871.6 square feet, B) 1,954.8 square feet, C) 720 square feet; and D) 1,165.4 square feet. Vehicle and pedestrian access for all proposed unit lots will be from East Denny Way across an access easement extending from this street northward across proposed Unit Lots A and B. Pedestrian access for proposed Unit Lots C and D will extend from this easement across a joint easement on and for the benefit of both Unit Lots C and D. The new structures containing all proposed unit lots have been reviewed and approved for applicable code compliance under MUP No. 2402266.

### Public Comments

The comment period for this proposal ended on August 11, 2004. One comment letter was received expressing concerns about the impact of this type of development on the immediate neighborhood and the timing of receiving the public notice for this project after the start of construction. The author wrote that the required one on site parking garage for typical townhouse developments is usually not used for parking but for storage with the result that the surrounding streets become the actual parking for these units. Second, the author stated that the construction hours for this project and others are too liberal with the result that construction noise (trucks, radios, tools) disrupts the neighborhood 7 days a week.

### Response to Public Comment

Public notice is required by law for short plat / subdivision proposals, such as this unit lot subdivision. Public notice is not required for the building permit review and approval of the structures such as these (Approved under Project # 2402266). Because of this, the construction of the buildings could begin prior to the unit lot subdivision notice. If the owner / developer did not wish to unit lot subdivide these structures, but instead kept them together for purposes of ownership, no public notice would be required.

City Code requires that one off-street parking space be provided for each dwelling unit but does not regulate for what that parking space should be used. The parking spaces provided for the proposed units lots comprise one garage space for Unit Lot A and one each surface parking space for Unit Lots B, C, and D on Unit Lot B. This configuration should assure at least 3 spaces will not be used for general household storage.

Construction hours are regulated by the City Noise Ordinance SMC 25.08. Construction hours are restricted to the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on weekends. During these periods the normally permissible sound levels are permitted to be exceeded on construction sites but with additional restrictions (see SMC 25.08.425).

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities, City Light; and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The majority of the subject property is zoned Multi-Family Lowrise 1 (L-1) and all development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC). These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. The establishment of use for the townhouses and their construction was reviewed under these provisions, approved, and permitted under MUP No. 2402266.

The allowable density in an L 1 zone is one dwelling unit per 1,600 square feet of lot area. The lot area is approximately 5,652 square feet; hence 4 townhouse units are allowed ( $5,652 / 1,600 = 3.53$ . Any figure above one-half may be rounded to the next highest number, hence 4 units are allowed.). Maximum lot coverage is fifty (50) percent for townhouse units and forty

(40) percent for all other types of structures (SMC 23.45.010.A.1). Total lot coverage of the proposed townhouse and single family structure were reviewed for conformance with this requirement and approved under MUP No. 2402266. Required parking for all units is provided on site and is accessed from East Denny Way. Pedestrian access to all units is as described in *Site and Vicinity Description* above. Building set-backs, height limitations, and the provision of open space were reviewed for conformance to the development codes for this zone and were approved under the above-mentioned MUP.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is provided as described in *Criterion 1* above.

All utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250428-4-030) to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. (Attachment A)

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

All proposed Unit Lots will be addressed from East Denny Way. To assure adequate address identification of proposed Unit Lots B, C, and D, address signage for these Unit Lots shall be posted at a location visible from East Denny Way on or near the proposed vehicular and pedestrian access easement.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates these services are adequately provided for this unit lot subdivision.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels. A minimum five (5) foot easement for access is required for any unit lots without street frontage. The proposed utility easement on portions of proposed Unit Lots A and B will adequately serve proposed Unit Lot C but must be extended to provide access to proposed Unit Lot D. Unit Lots A and B can obtain access directly from the right of way (See Water Availability Certificate # 20041057).

4. *Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures and residential cluster developments amongst other housing types. Ground related townhouse structures are allowed outright in the L-1 zone. This process therefore makes possible separate ownership of individual units that otherwise would be owned by one party and consequently some or all unit lots would be available on a shared ownership or rental basis only.

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code for L-1 development regulations and the applicable approval criteria for short platting. The public use and interests are thereby served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240, therefore this criterion does not apply.

6. *Is designed to maximize the retention of existing trees;*

There are no existing trees on the lot. As a part of approval for the construction of the single-family and townhouse structures (MUP 2402266) SMC 23.45.015 requires the planting of trees and landscaping.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The construction of one townhouse structure and one single-family structure were approved under MUP 2402266. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. To assure that future owners have constructive notice that additional development may be limited due to nonconformities the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited because of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

### Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Short Plats and Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby approved.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

**CONDITIONS - SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording*

The owner(s) and/or responsible party(s) shall:

1. Submit the corrected final recording forms for approval and any necessary fees.
2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
3. Include the attached utility easement from Seattle City Light on the face of the plat and in the legal descriptions of effected Unit Lots.
4. Extend the proposed utility easement on Unit Lots A and B to provide utility access to proposed Unit Lot D. Include this on the face of the plat and in the legal descriptions of effected Unit Lots.
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and integrated building elements, such as roofs, exterior walls and shared private utility infrastructure.

Signature: (signature on file) Date: November 15, 2004  
Art Pederson, Land Use Planner

AP:bg

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Attachment: Seattle City Light Easement #250428-4-030